

UNITED STATE DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LUIS CABASSA,

Plaintiff,

v.

JOAN GORDON and MICHAEL GORDON,

Defendants.

Civil Action No.:

**COMPLAINT AND
DEMAND FOR JURY TRIAL**

Plaintiff LUIS CABASSA, by and through his undersigned attorneys, CANTIN LAW GROUP, P.C., as and for his complaint against defendants JOAN GORDON and MICHAEL GORDON, respectfully alleges as follows:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff LUIS CABASSA, is presently, and has been at all times herein mentioned, a resident of the State of New York. At all times material herein, he is competent to bring suit in his individual capacity.
2. That at all times herein relevant, defendant JOAN GORDON has been a resident of the State of New Jersey.
3. That at all times herein relevant, defendant MICHAEL GORDON has been a resident of the State of New Jersey.
4. The parties have diversity of jurisdiction and amount in controversy exceeding the jurisdictional limits confers this Court with jurisdiction over the subject matter of this complaint and over parties hereto.

5. Venue is proper and appropriate in the United States District Court Southern District of New York because the motor vehicle collision, which is the subject matter of this Complaint, occurred in New York County, New York.

FACTUAL BACKGROUND

6. On or about January 12, 2016, plaintiff LUIS CABASSA was the operator of a vehicle bearing New York State license plate number GUW1659 travelling in a northbound direction on 1st Avenue at its intersection with East 125th Street in the County, City and State of New York.

7. On or about January 12, 2016, defendant, JOAN GORDON, was the operator of a 2009 Saturn motor vehicle bearing New Jersey State License Plate No. ZBU90R for the year 2016.

8. On or about January 12, 2016, defendant, MICHAEL GORDON, was the owner of the aforesaid 2009 Saturn motor vehicle bearing New Jersey State License Plate No. ZBU90R for the year 2016.

9. On or about January 12, 2016, defendant, JOAN GORDON, was the operator of a 2009 Saturn motor vehicle bearing New Jersey State License Plate No. ZBU90R for the year 2016 with the knowledge, permission and consent of the defendant MICHAEL GORDON.

10. On or about January 12, 2016, defendant, JOAN GORDON operated the aforesaid 2009 Saturn bearing New Jersey State License Plate No. ZBU90R eastbound on East 125th Street in the County, City and State of New York.

11. On or about January 12, 2016, the vehicle operated by the defendant JOAN GORDON and owned by the defendant MICHAEL GORDON, came into contact with the

vehicle operated by plaintiff LUIS CABASSA at the intersection of East 125th Street and 1st Avenue in the County, City and State of New York.

CAUSE OF ACTION

12. The incident described in Paragraphs 6-11 above occurred as a result of the defendant JOAN GORDON's negligence and/or recklessness, without any negligence attributable in any measure to plaintiff, LUIS CABASSA.

13. The incident described in Paragraphs 6-11 above occurred as a result of the defendant MICHAEL GORDON's negligence and/or recklessness, without any negligence attributable in any measure to plaintiff, LUIS CABASSA.

14. As a result of the incident described in Paragraphs 6-11 above, plaintiff LUIS CABASSA sustained serious injuries.

15. Plaintiff LUIS CABASSA has sustained a loss in excess of the Basic Economic Loss as described by the New York State Insurance Law.

16. Plaintiff LUIS CABASSA has suffered a "serious injury" within the meaning of the Insurance Law of the State of New York.

17. By the aforesaid acts and omissions of the defendants, plaintiff LUIS CABASSA has been directly and legally caused to suffer actual damages including, but not limited to, loss of earnings and future earning capacity, medical expenses, attorney's fees, costs of suit and other pecuniary loss not presently ascertainable for which the Plaintiff will seek leave of the Court to amend once ascertained.

18. By the aforesaid acts and omissions of the defendants, plaintiff LUIS CABASSA has been directly and legally caused to suffer physical injuries, including, but

not limited to, injuries to his upper extremities and his left lower extremity, all of which individually, or in combination, satisfy the serious injury threshold.

19. As a further and direct and legal result of the acts and conduct of the defendants as described in the aforesaid paragraphs, Plaintiff LUIS CABASSA was caused to and did suffer from severe emotional and mental distress, anguish, humiliation, embarrassment, fright, shock, pain, discomfort and anxiety. The exact extent and nature of said injuries is presently unknown to Plaintiff, who will seek leave of this Court to assert the same when they are ascertained. Plaintiff does not know at this time the exact duration or permanence of said injuries but Plaintiff is informed and believes, and therefore alleges, that some, if not all of his injuries are reasonably certain to be permanent on character.

DEMAND FOR JURY TRIAL

20. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, the Plaintiff demands trial by jury in this action of all issues so triable.

WHEREFORE, Plaintiff LUIS CABASSA, demands judgment jointly and severally and/or individually and/or vicariously, against defendants JOAN GORDON and MICHAEL GORDON, on this Count for damages, costs, interest, counsel fees and all other relief this Court deems just.

DATED: New York, New York
April 12, 2017

Yours, etc.,

CANTIN LAW GROUP, P.C.

By: _____



Bruce S. Cantin, Esq.
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Index No:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LUIS CABASSA,

Plaintiff(s),

-against-

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Defendant(s),

SUMMONS, COMPLAINT AND DEMAND FOR JURY TRIAL

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(888)908-4658

PLEASE TAKE NOTICE:

NOTICE OF ENTRY

that the within is a (certified) true copy of an Order
duly entered in the office of the clerk of the within named court on

NOTICE OF SETTLEMENT

that an order
presented for settlement to the HON.
within named Court, at
on at
Dated:

of which the within is a true copy will be
one of the judges of the

M.

Yours, etc.